

DATE: May 25, 2004

TO: Gerald M. O'Brien, Chair  
Howard D. Poulson, Vice-Chair  
Stephen D. Willett (Air, Waste and Water Management/Enforcement Committee)

FROM: Scott Hassett

SUBJECT: Background Memo Relating to Proposed Modifications to NR 500 Series and Public Hearings

1. Why The Rule Is Being Proposed

The proposed revisions are the result of an 18-month stakeholder process in which the Department began to address long-standing concerns of some landfill owners regarding existing rules that indirectly limit the volume of landfills. This indirect limit was the result of the current standards that limited the length of leachate lines.

2. Summary of the Proposed Rule Revisions

These proposed rule revisions would potentially allow longer leachate lines in municipal solid waste (MSW) landfills, improve landfill design and construction standards, and allow the Department to approve practices that should lead to quicker biodegradation (stability) of the waste in MSW landfills, thereby reducing their long-term risk. The proposed rules also ask for specific comments on provisions to add additional liquids to foster quicker biodegradation and changes in final cover and run-on of water from precipitation (two NR 514.10).

3. How This Proposal Affects Existing Policy

The proposed rule revisions would allow the maximum length of leachate collection piping to increase from 1,200 feet to 2,000 feet. The 1,200-foot limit was required on a case-by-case basis beginning in the mid-1980s and was placed in administrative code in 1996. The purpose of this length limitation was to help ensure that leachate collection piping could be readily cleaned for decades following landfill closure. The proposed rules reflect changes in the current design and construction standards of MSW landfills and the experiences gained in the past 10 years of constructing landfills in Wisconsin. The maximum width of MSW landfills would increase by approximately two-thirds and the height by about 100 feet. The volume of waste that could be placed in a single MSW landfill would approximately double.

Current landfill design and operation results in landfilled waste being entombed in a dry state. The lack of moisture means that the waste remains in an undecomposed state indefinitely.

Should moisture gain access to the waste at some later date, environmental harm could result from the leachate and gas generation under these conditions. This proposed rule would allow the department to approve adding liquids to degrade the waste faster thereby reducing the potential long-term threat of landfills.

Increasing the size of MSW landfills may negatively affect waste reduction, reuse and recycling efforts. At the same time these changes may foster better landuse and gas (energy) recovery.

#### 4. Past Board Involvement

The 1,200 limitation on the length of leachate collection pipes was codified in 1996. This was a controversial issue at that time. The department agreed to review this provision at a later date in order to determine if it was still appropriate.

#### 5. Who Will Be Affected By The Proposed Rule

The proposal should lower the costs of operation for large MSW landfill owners. Some of these savings may be passed on to individuals and businesses. Smaller municipally owned landfills and owners of non-landfill waste facilities may be negatively affected by these proposed rules as a consequence of greater price competition.

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#### 6. Small Business Analysis

In the past (pre-1985), there were a large number of small landfills in Wisconsin. With the enactment of the Federal RCRA sub-title D regulations, small landfills started to disappear due to the requirements and the cost of compliance. Presently, no MSW landfills operating in Wisconsin meet the definition of a small business.